

BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG LLP

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Exhibit 4

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09CV1941

JUDGE KENDALL

MAGISTRATE JUDGE KEYS

CH

March 3, 2009

VIA FACSIMILE AND FIRST CLASS MAIL

Mr. Chanille Carswell
Brooks Kushman P.C.
1000 Center, 22nd Floor
Southfield, MI 48075-1238

Re: Flagstar Bank v. Freestar Bank N.A. 08 CV 01278/February 24, 2009 Subpoena to Barack Ferrazzano Kirschbaum & Nagelberg LLP

Dear Mr. Carswell:

Pursuant to Federal Rule of Civil Procedure 45(c)(2)(B), this letter constitutes the objections of Barack Ferrazzano Kirschbaum & Nagelberg LLP ("Barack Ferrazzano") to the above-captioned subpoena served on Barack Ferrazzano on February 25, 2009. Barack Ferrazzano objects to the subpoena on the grounds that it calls for the production of documents that are protected by the attorney-client privilege and/or the attorney work product doctrine. At all relevant times, Freestar Bank, N.A. ("Freestar") was a client of Barack Ferrazzano, and has instructed us that it intends to assert the attorney-client privilege over all documents reflecting legal advice Barack Ferrazzano provided to Freestar regarding Freestar's name change. Except for publicly filed trademark registration materials, a small number of communications with the U.S. Patent and Trademark Office and the Illinois Secretary of State, and correspondence from your office, which are not clearly responsive to the subpoena, all responsive documents in Barack Ferrazzano's possession either reflect privileged communications with Freestar or Freestar's litigation counsel, or were prepared in connection with the current or prior litigation proceedings between Freestar and Flagstar Bank, FSD. Consequently, Barack Ferrazzano will not be producing any documents in response to the February 24, 2009 subpoena, unless you would like us to produce non-privileged materials relating to the registration and Flagstar's claim of infringement.

I will be out of town for the next several days, but I will have a privilege log prepared and will produce that log to you by March 18, 2009. In the meantime, if you would like to discuss these objections I will be back in the office on March 10.

BARACK FERRAZZANO KIRSCHBAUM & NAGELBERG LLP

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Very truly yours,



Edward F. Malone

EFM/cbz

cc: Robert Kearny